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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,383	09/26/2003	Joseph J Davis JR.	03992	2382

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EXAMINER	
CARPIO, IVAN HERNAN	
ART UNIT	**PAPER NUMBER**
2841	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/605,383	DAVIS ET AL.	
	Examiner	Art Unit	
	Ivan H. Carpio	2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *9/26/03* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/20/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 2/20/06 have been fully considered but they are not persuasive. Applicant's first argument that Inaba does not teach snapping the cluster housing into the IP opening is moot in view of new grounds of rejection. Applicant's second argument regarding claims 1 and 10 is that Inaba does not allow for electrical connections at the rear of the cluster housing before final positioning and securing within the IP opening, examiner respectfully disagrees. Once the mounting pin is in the retainer the housing still has the ability to rotate, furthermore fig. 5 shows an electrical connection is made before the final positioning and securing is complete. Applicant's final argument is that the Inaba discloses the need for a support channel being located at the rear of the IP retainer opening and this requires that the IP opening have a bottom surface to located said support channel within whereas the applicants' claimed invention does not require this critical element. Examiner whishes to point out that there is no limitation in the claimed invention that excludes this feature and thus the argument is improper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inaba in view of Siedlik (US Patent 5910029).

With respect to claim 1, Inaba teaches a snap-in cluster attachment (Fig. 1) for attaching the lower edge of a cluster housing to and aligning said cluster housing within an IP retainer, and allowing connections to the rear of the cluster housing before final positioning and attachment within said IP retainer, by connecting the at least one mounting pin on the lower edge of the cluster hosing into place in the corresponding at least one IP retainer opening having mounting pin retaining members located therein comprising: a) at least one attachment member (Fig. 1, element 23) fixedly attached to the lower edge of the cluster housing (Fig.1, element 20), said attachment member comprising a body having two ends (Fig. 2, element 23 the bottom and the top) and two sides (Fig.2, element 23 the sides that lead up to the bottom of the housing) wherein one end is attached to the lower edge of the cluster housing and the other end terminates in a mounting pin (Fig.1, element 23) oriented perpendicular to the sides of the attachment member; and b) at least one corresponding opening (fig.3, opening element 16) in the IP retainer having mounting pin retaining members (Fig.3, elements 16 vertical side walls) disposed therein for receiving, aligning and holding the mounting pin of the at least one attachment member. Inaba does not teach that at least one of said retaining members being positioned in opposition to the rest of said retaining members and that the mounting pins are snapped onto the lower edge of the cluster housing into place in the corresponding retainer having mounting pin retainer clips.

Siedlik teaches mounting pins (Fig. 6, elements 44) and retaining clips (Fig. 6, elements 112), wherein at least one of the retaining clips (Fig. 6, element 54) is positioned in opposition to the rest of said retaining clips are snapped onto mounting pin retainer clips. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the mounting pin retainer members, taught by Inaba, with the mounting pin retainer mounting members, taught by Siedlik, for the purpose of easily attaching and securing the cluster housing to the IP retainer with the added feature that once the cluster housing is connected to the IP retainer if you let go/drop the cluster housing it stays connected reducing the chance of breaking.

With respect to claim 2 and with all the limitations of claim 1, Inaba teaches that said snap-in cluster attachments allow the cluster housing to be rolled upward (Figs. 3,4,5 and 6) for fixedly attaching the cluster housing by its top edge to the IP retainer.

With respect to claim 3 and with all the limitations of claim 1, Inaba teaches that said at least one attachment member and at least one corresponding opening comprises 2 or more attachment members and 2 or more corresponding openings (Fig.2, elements 23 and corresponding openings 16).

With respect to claim 4 and with all the limitations of claim 1, Inaba teaches said attachment members are molded as an integral part (Fig.1) of the cluster housing.

With respect to claim 5 and with all the limitations of claim 1, Inaba teaches said openings in the IP retainer having mounting pin retaining members disposed therein are molded as an integral part (Fig. 1) of said IP retainer.

With respect to claim 10 Inaba teaches a snap-in cluster attachment for attaching the lower edge of an instrument cluster housing to and aligning said cluster housing with in, an IP retainer, and allowing connections to the rear of the cluster housing before final positioning and attachment within said IP Retainer, by connecting the at least one mounting pin on the lower edge of the cluster housing into place in the corresponding at least one IP retainer opening having mounting pin retaining members located therein comprising: a) at least one attachment member (Fig. 1, element 23) fixedly attached to the lower edge of the instrument cluster housing (Fig.1, element 20), said attachment member comprising a body having two ends (Fig. 2, element 23 the bottom and the top) and two sides (Fig.2, element 23 the sides that lead up to the bottom of the housing) wherein one end is attached to the lower edge of the instrument cluster housing and the other end terminates in a mounting pin (Fig.1, element 23) oriented perpendicular to the sides of the attachment member; and b) at least one corresponding opening (fig.3, opening element 16) in the IP retainer having mounting pin retaining members (Fig.3, elements 16 vertical side walls) disposed therein for receiving, aligning and holding the mounting pin of the at least one attachment member; thereby providing for attaching the instrument cluster housing lower edge to the IP retainer by snapping the at least one mounting pin on the lower edge of the instrument cluster housing into place in the corresponding at least one IP retainer opening having mounting pin retaining members located therein. Inaba does not teach that at least one of said retaining members being positioned in opposition to the rest of said retaining members and that the mounting pins are snapped onto the lower edge of the cluster housing into place in the

corresponding retainer having mounting pin retainer clips. Siedlik teaches mounting pins (Fig. 6, elements 44) and retaining clips (Fig. 6, elements 112), wherein at least one of the retaining clips (Fig. 6, element 54) is positioned in opposition to the rest of said retaining clips are snapped onto mounting pin retainer clips. It would have been obvious to one of ordinary skill in the art at the time of the invention to replace the mounting pin retainer members, taught by Inaba, with the mounting pin retainer mounting members, taught by Siedlik, for the purpose of easily attaching and securing the cluster housing to the IP retainer with the added feature that once the cluster housing is connected to the IP retainer if you let go/drop the cluster housing it stays connected reducing the chance of breaking.

With respect to claim 11 and with all the limitations of claim 10, Inaba teaches that said snap-in cluster attachments allow the instrument cluster housing to be rolled upward (Figs. 3,4,5 and 6) for fixedly attaching the instrument cluster housing by its top edge to the IP retainer.

With respect to claim 12 and with all the limitations of claim 10, Inaba teaches that said at least one attachment member and at least one corresponding opening comprises 2 or more attachment members and 2 or more corresponding openings (Fig.2, elements 23 and corresponding openings 16).

With respect to claim 13 and with all the limitations of claim 10, Inaba teaches said attachment members are molded as an integral part (Fig.1) of the instrument cluster housing.

With respect to claim 14 and with all the limitations of claim 10, Inaba teaches said openings in the IP retainer having mounting pin retaining members disposed therein are molded as an integral part (Fig. 1) of said IP retainer.

With respect to claims 6,7 and 15,16 with all the limitations of claims 1 and 10 respectively, Inaba teaches all of the limitations of the claims including the mounting pin members and the pin retaining members but does not teach the specific dimensions of the mounting pin and pin retaining members. Hinge like mounting pins and retaining members are well known in the art, the diameter size of the mounting pin and the wall thickness of the retaining members range in values from very small to very large depending on their particular use, in fact look at a pair of glasses, a door, and a jewelry box and you will see a variety of sizes. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the diameter of the mounting pin and the wall thickness of the retaining member any size, including making the diameter of the mounting pin between 2.0mm and 10.0mm and making the wall thickness of the mounting pin retaining member between 1.0mm and 5.0mm, in order to fulfill particular design needs depending on the specifics of the structure. Furthermore it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller, 105 USPQ 233.*

With respect to claims 8,9 and 17,18 with all limitations of claims 1 and 10 respectively, Inaba teaches all of the limitations of the claims including a cluster housing, attachment member, IP retainer and mounting pin retaining member but does

not teach the particular material used to make these elements. There are many known materials used to make cluster housings and attachment members as well as IP retainers and mounting pin retaining members, materials such as various metals and plastics have long been known to be used in the art and particular material choices are made depending on the needed properties for the specific conditions of use. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the cluster housing, attachment member, IP retainer and mounting pin retaining member, taught by Inaba, of any appropriate material including making the cluster housing and attachment member of styrene and the IP retainer and mounting pin retainer element in order to meet specific needed properties. Furthermore it has been held that to be within the general skill of a worker in the art tot select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin, 125 USPQ 416.*

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ivan H. Carpio whose telephone number is 571-272-8396. The examiner can normally be reached on M-R 6:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kammie Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IC

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